

III. REMARKS

Claims 1-26 are pending in this application. By this amendment, claims 5 and 10 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1, 4 and 6-8 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 5 and 10-12 are rejected under 35 U.S.C. §112 as allegedly being indefinite. Claims 1-26 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Carroll (U.S. Patent No. 6,683,631), hereafter "Carroll."

A. REJECTION OF CLAIMS 1, 4 AND 6-8 UNDER 35 U.S.C. §101

The Office has rejected claims 1, 4 and 6-8 for allegedly being directed to non-statutory subject matter. Specifically, the Office states that "[t]he method claims are not described as being implemented in any tangible and/or limited to any tangible embodiments (e.g. hardware components." Office Action, page 2, para. 2. Applicants assert that the PTO Board of Appeals ruling in *In re Lundgren* abolished the test that the Office uses as justification for its rejection under 35 U.S.C. §101. Furthermore, the current USPTO Interim Guidelines on Patentable Subject matter expressly state, "The following tests are not to be applied by examiners in determining whether the claimed invention is patent eligible subject matter: (A) "not in the technological arts" test (B) Freeman-Walter-Abele test (C) mental step or human step tests (D)

the machine implemented test (E) the per se data transformation test.” Accordingly, Applicants request that the rejection be withdrawn.

B. REJECTION OF CLAIMS 5 AND 10-12 UNDER 35 U.S.C. §112

The Office has asserted that claims 5 and 10-12 are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claims 5 and 10 to recite “...the one of the selected set of data.” Claims 11 and 12 depend from claim 10. Applicants assert that these amendments further clarify the invention. Accordingly, Applicants request that the rejection be withdrawn.

C. REJECTION OF CLAIMS 1-26 UNDER 35 U.S.C. §102(e)

With regard to the 35 U.S.C. §102(e) rejection over Carroll, Applicants assert that Carroll does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 9, 17, 21 and 23, Applicants submit that, contrary to the Office’s assertion, Carroll fails to teach selecting a second set of data within the application, wherein the first set of data remains selected during the selection of the second set of data. The Office points to FIG. 6 of Carroll, which shows two sections of selected text separated by a section of unselected text, as justification for its assertion. However, the portion of the Carroll specification that refers to FIG. 6 indicates that the unselected section in FIG. 6 is deselected after the entire section has been selected. Col. 4, lines 43-65. To this extent, the portion of Carroll cited by the Office teaches deselecting a section within a previously selected section, and not selecting a section while a first section remains selected. In contrast, the claimed invention includes “...selecting a second set of

data within the application, wherein the first set of data remains selected during the selection of the second set of data.” Claim 1. As such, unlike the selecting and deselecting of Carroll, in the claimed invention, the selecting of the second set of data of the claimed invention occurs while the first set of data remains selected. Thus, the selecting of the second set of data is not taught by the selecting and deselecting as illustrated in FIG. 6 of Carroll. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office’s combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office’s combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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